

REMARKS

Claim 4 currently is pending. Claim 1 is canceled. Claim 4 has been amended so that it is directed to the elected subject matter.

The examiner said he does not have the cited references in the IDS filed on February 15, 2002, with the exception of US 5,821,090 and EPO 0-405-370. However, applicants submitted them for the parent case 09/212,247, now US 6,391,603. Therefore, applicants do not believe more copies of the references are necessary.

Applicants change the title of the invention to the title suggested by the examiner: "Phosphoriboxyl-Pyrophosphate Synthetase Polypeptide."

The examiner stated that the present application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821 (a)(1) and (a)(2). Applicants herein submit a replacement sequence listing. A copy of the sequence listing in computer readable form is attached hereto. The content of the paper copy of the sequence listing and the copy of the sequence listing in computer readable form is the same, and includes no new matter. It is believed that by submitting the present amendment and sequence listing diskette, the application now fully complies with the requirements of 37 CFR 1.821-1.825.

The specification already contains a brief description of the figures on pages 16-17. Applicants insert the phrase "Brief Description of the Drawings" at line 42 on page 16 for clarification.

Claim 1 is rejected under 35 USC § 112, ¶1, because the specification, while

enabling for the protein of SEQ ID NO: 2 and a variant thereof having lysine at position 7 replaced with valine, does not reasonably provide enablement for all variants of SEQ ID NO: 2 having phosphoribosyl-pyrophosphate synthetase activity as encompassed by the claim.

Applicants have canceled claim 1. Therefore, the rejection is moot.

Applicants believe the present application now is in condition for allowance.

Favorable action by the examiner respectfully is requested.

A check in the amount of \$110.00 is attached to cover the one month extension fee.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read 'D.S. Kim', written over the printed name.

Daniel S. Kim
Reg. No. 51877

1350 Connecticut Ave., N.W.
Washington, D.C. 20036
(202)659-0100

DSK/kas